

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION**

This document relates to:

The Fiscal Court of Wolfe County, Kentucky

v.

**Purdue Pharma, L.P.; Purdue Pharma, Inc.;
Purdue Frederick Company, Inc.; Cephalon,
Inc.; Teva Pharmaceutical Industries, LTD.;
Teva Pharmaceuticals USA, Inc.; Johnson &
Johnson; Janssen Pharmaceuticals, Inc.;
Ortho-McNeil-Janssen Pharmaceuticals, Inc.
n/k/a Janssen Pharmaceuticals, Inc.; Janssen
Pharmaceutica Inc. n/k/a Janssen
Pharmaceuticals, Inc.; Noramco, Inc.; Endo
Health Solutions Inc.; Endo
Pharmaceuticals, Inc.; Allergan PLC f/k/a
Actavis PLC; Allergan Finance LLC f/k/a
Actavis, Inc. f/k/a Watson Pharmaceuticals,
Inc.; Watson Laboratories, Inc.; Actavis,
LLC; Actavis Pharma, Inc. f/k/a Watson
Pharma, Inc.; Mallinckrodt PLC;
Mallinckrodt LLC; McKesson Corporation;
Cardinal Health, Inc.; Amerisourcebergen
Drug Corporation; SpecGx LLC; Par
Pharmaceutical, Inc.; Par Pharmaceutical
Companies, Inc.; Sandoz, Inc.; West-Ward
Pharmaceuticals Corp. k/n/a Hikma
Pharmaceuticals, PLC; Mylan
Pharmaceuticals, Inc.; Richie Pharmacal
Co.; H.D. Smith Wholesale Drug Co. k/n/a
H.D. Smith, LLC; Smith Drug Company
a/k/a J M Smith Corporation.**

MDL No. 2804

Case No. 1:17-md-2804

1:18-op-46099-DAP

Judge Dan Aaron Polster

**SHORT FORM FOR SUPPLEMENTING
COMPLAINT AND AMENDING
DEFENDANTS AND JURY DEMAND**

Plaintiff submits this supplemental pleading and Amended Complaint incorporating as if fully set forth herein its own prior pleadings and, if indicated below, the common factual allegations identified and the RICO causes of action included in the Corrected Second Amended Complaint and Jury Demand in the case of *The County of Summit, Ohio, et al., v. Purdue Pharma L.P., et al.*, Case No. 1:18-op-45090 (“*Summit County Pleadings*”), *In Re National Prescription Opiate Litigation*, in the United States District Court for the Northern District of Ohio, Dkt #513, 514¹), and as may be amended in the future, and any additional claims asserted herein. Plaintiff also hereby amends its complaint to alter the defendants against which claims are asserted as identified below. To the extent defendants were previously sued in Plaintiff’s existing complaint and they are no longer identified as defendants herein, they have been dismissed without prejudice except as limited by CMO-1, Section 6(e). Doc. #232.

INCORPORATION BY REFERENCE OF EXISTING COMPLAINT

1. Plaintiff’s Existing Complaint (No.18-op-46099-DAP, Doc. #:1) is expressly incorporated by reference to this Short Form as if fully set forth herein except to the extent that allegations regarding certain defendants that are not listed in section 2 below are dismissed without prejudice.

PARTIES – DEFENDANTS

2. Having reviewed the relevant ARCOS data, Plaintiff asserts claims against the following Defendants:

Purdue Pharma, L.P.; Purdue Pharma, Inc.; Purdue Frederick Company, Inc.; Cephalon, Inc.; Teva Pharmaceutical Industries, LTD.; Teva Pharmaceuticals USA, Inc.; Johnson & Johnson; Janssen Pharmaceuticals, Inc.; Ortho-McNeil-Janssen Pharmaceuticals, Inc. n/k/a Janseen Pharmaceuticals, Inc.; Janssen Pharmaceutica Inc. n/k/a Janssen Pharmaceuticals, Inc.; Noramco, Inc.; Endo Health Solutions Inc.; Endo Pharmaceuticals, Inc.; Allergan PLC f/k/a Actavis PLC; Allergan Finance LLC f/k/a Actavis, Inc. f/k/a Watson Pharmaceuticals, Inc.; Watson Laboratories, Inc.; Actavis, LLC; Actavis Pharma, Inc. f/k/a Watson Pharma, Inc.; Mallinckrodt

¹ Docket #513 is the redacted Summit Second Amended Complaint and Docket #514 is the unredacted Summit Corrected Second Amended Complaint filed under seal in Case No. 1:17-md-02804-DAP. The redacted Summit Corrected Second Amended Complaint is also filed in its individual docket, Case No. 1:18-op-45090-DAP, Docket #24.

PLC; Mallinckrodt LLC; McKesson Corporation; Cardinal Health, Inc.; Amerisourcebergen Drug Corporation; SpecGx LLC; Par Pharmaceutical, Inc.; Par Pharmaceutical Companies, Inc.; Sandoz, Inc.; West-Ward Pharmaceuticals Corp. k/n/a Hikma Pharmaceuticals, PLC; Mylan Pharmaceuticals, Inc.; Richie Pharmacal Co.; H.D. Smith Wholesale Drug Co. k/n/a H.D. Smith, LLC; Smith Drug Company a/k/a J M Smith Corporation.

I, Robert K. Finnell, Counsel for Plaintiff, certify that in identifying all Defendants, I have followed the procedure approved by the Court and reviewed the ARCOS data that I understand to be relevant to Plaintiff.

I further certify that, except as set forth below, each of the Defendant(s) newly added herein appears in the ARCOS data I reviewed.

I understand that for each newly added Defendant not appearing in the ARCOS data I must set forth below factual allegations sufficient to state a claim against any such newly named Defendant that does not appear in the ARCOS data.

Dated: March 15, 2019

Signed: /s/ Robert K. Finnell

Factual/Jurisdictional Allegations Regarding newly added Individual Defendants

1.1 Defendants SpecGx LLC; Par Pharmaceutical, Inc.; Par Pharmaceutical Companies, Inc.; Sandoz, Inc.; West-Ward Pharmaceuticals Corp. k/n/a Hikma Pharmaceuticals, PLC; Mylan Pharmaceuticals, Inc.; Richie Pharmacal Co.; H.D. Smith Wholesale Drug Co. k/n/a H.D. Smith, LLC; and Smith Drug Company a/k/a J M Smith Corporation are hereby added as Defendants by this pleading based on the following jurisdictional allegations:

1.2 Defendant SpecGx, LLC is a Delaware limited liability company with its headquarters in Clayton, Missouri and is a wholly owned subsidiary of Defendant Mallinckrodt plc. SpecGx, LLC, along with the other Mallinckrodt entites, manufactures, promotes, distributes, and/or sells opioids throughout Plaintiff's Communities and the rest of the nation in violation of the duties owed to Plaintiff, in sufficient quantities to be a proximate cause of Plaintiff's injuries. Mallinckrodt is one of the largest manufacturers of generic oxycodone. In July 2017, Mallinckrodt agreed to pay \$35 million to settle allegations brought by the

Department of Justice that it failed to detect and notify the DEA of suspicious orders of controlled substances. SpecGx LLC is being sued as a Marketing Defendant.²

1.3 Defendant Par Pharmaceutical, Inc. is a Delaware corporation with its principal place of business located in Chestnut Ridge, New York. Par Pharmaceutical, Inc. is a wholly-owned subsidiary of Par Pharmaceutical Companies, Inc. f/k/a Par Pharmaceutical Holdings, Inc. Defendant Par Pharmaceutical Companies, Inc. is a Delaware corporation with its principal place of business located in Chestnut Ridge, New York. (Par Pharmaceutical, Inc., and Par Pharmaceutical Companies, Inc., collectively “Par Pharmaceutical”) was acquired by Endo International plc in September 2015 and is an operating company of Endo International plc. Par Pharmaceutical conducts business in Plaintiff’s community. Par Pharmaceutical, along with the other Endo entites, manufactures, promotes, distributes, and/or sells opioids throughout Plaintiff’s Communities and the rest of the nation in violation of the duties owed to Plaintiff, in sufficient quantities to be a proximate cause of Plaintiff’s injuries. Par Pharmaceutical is sued as a Marketing Defendant.

1.4 Defendant Sandoz Inc. (“Sandoz”) is a Colorado corporation with its principal place of business in Princeton, New Jersey. Sandoz manufactures, promotes, distributes, and/or sells opioids throughout Plaintiff’s Communities and the rest of the nation in violation of the duties owed to Plaintiff, in sufficient quantities to be a proximate cause of Plaintiff’s injuries. Sandoz is being sued as a Marketing Defendant.

² “Marketing Defendant” is the term used in the *The County of Summit, Ohio, et al., v. Purdue Pharma L.P., et al.*, Case No. 1:18-op-45090 pleadings. In Plaintiff’s original complaint, incorporated herein, the term “Manufacturer Defendants” was used to refer to the same entities. For the purposes of this Short Form Complaint, Plaintiff uses the term “Marketing Defendant” but expressly incorporates each and every jurisdictional and factual allegation previously asserted in Plaintiff’s original complaint against the “Manufacturing Defendants.”

1.5 Defendant West-Ward Pharmaceuticals Corp. k/n/a Hikma Pharmaceuticals, PLC (“West-Ward”) is a Delaware corporation with its headquarters in Eatontown, New Jersey. West-Ward manufactures, promotes, distributes, and/or sells opioids throughout Plaintiff’s Communities and the rest of the nation in violation of the duties owed to Plaintiff, in sufficient quantities to be a proximate cause of Plaintiff’s injuries. West-Ward Pharmaceuticals Corp. is being sued as a Marketing Defendant.

1.6 Defendant Mylan Pharmaceuticals, Inc. (“Mylan”) is a West Virginia corporation, with its principal place of business located in Morgantown, West Virginia. Mylan is a wholly owned subsidiary of Mylan Laboratories, Ltd., which is a wholly owned subsidiary of Mylan, Inc. Mylan manufactures, promotes, distributes, and/or sells opioids throughout Plaintiff’s Communities and the rest of the nation in violation of the duties owed to Plaintiff, in sufficient quantities to be a proximate cause of Plaintiff’s injuries. Mylan is being sued as a Marketing Defendant.

1.7 Defendant Richie Pharmacal Co. (“Richie”) is incorporated in Kentucky with a principal place of business in Glasgow, Kentucky. Richie distributed opioids, in violation of the duties owed to Plaintiff as set forth in Plaintiff’s original complaint and the other allegations incorporated herein, in sufficient quantities to be a proximate cause of Plaintiff’s injuries. Richie is being sued as a Distributor Defendant.

1.8 Defendant H. D. Smith Wholesale Drug Co. k/n/a H.D. Smith, LLC is a Delaware corporation with its principal office located in Springfield, Illinois. H.D. Smith Wholesale Drug Co. distributed opioids, in violation of the duties owed to Plaintiff as set forth in Plaintiff’s original complaint and the other allegations incorporated herein, in sufficient quantities to be a

proximate cause of Plaintiff's injuries. H.D. Smith Wholesale Drug Co. is being sued as a Distributor Defendant.

1.9 Defendant Smith Drug Company a/k/a J M Smith Corporation, is registered with the West Virginia Secretary of State as a South Carolina corporation with its principal office located in Spartanburg, South Carolina, doing business as Smith Drug Company. Smith Drug Company distributed opioids, in violation of the duties owed to Plaintiff as set forth in Plaintiff's original complaint and the other allegations incorporated herein, in sufficient quantities to be a proximate cause of Plaintiff's injuries. Smith Drug Company is being sued as a Distributor Defendant.

COMMON FACTUAL ALLEGATIONS

3. By checking the boxes in this section, Plaintiff hereby incorporates by reference to this document the common factual allegations set forth in the *Summit County* Pleadings as identified in the Court's Order implementing the Short Form procedure. Dkt. # 1282.

- ☒ Common Factual Allegations (Paragraphs 130 through 670 and 746 through 813)
- ☒ RICO Marketing Enterprise Common Factual Allegations (Paragraphs 814-848)
- ☒ RICO Supply Chain Enterprise Common Factual Allegations (Paragraphs 849-877)

4. If additional claims are alleged below that were not pled in Plaintiff's Existing Complaint (other than the RICO claims asserted herein), the facts supporting those allegations must be pleaded here. Plaintiff asserts the following additional facts to support the claim(s) identified in Paragraph 6 below (below or attached):

N/A

CLAIMS

5. The following federal **RICO causes of action** asserted in the *Summit County* Pleadings as identified in the Court's implementing order and any subsequent amendments, Dkt. 1282, are incorporated in this Short Form by reference, in addition to the causes of action already asserted in the Plaintiff's Existing Complaint (check all that apply):

☒ First Claim for Relief – Violation of RICO, 18 U.S.C. § 1961 *et seq.* – Opioid Marketing Enterprise (Against Defendants Purdue, Cephalon, Janssen, Endo and Mallinckrodt (the “RICO Marketing Defendants”)) (*Summit County Pleadings*, Paragraphs 878-905)

☒ Second Claim for Relief – Violation of RICO, 18 U.S.C. § 1961 *et seq.* – Opioid Supply Chain Enterprise (Against Defendants Purdue, Cephalon, Endo, Mallinckrodt, Actavis, McKesson, Cardinal, and AmerisourceBergen (the “RICO Supply Chain Defendants”)) (*Summit County Pleadings*, Paragraphs 906-938)

6. Plaintiff asserts the following **additional claims** as indicated (below or attached):

N/A

7. To the extent Plaintiff wishes to **dismiss claims** previously asserted in Plaintiff’s Existing Complaint, they are identified below and will be dismissed without prejudice.

N/A

WHEREFORE, Plaintiff prays for relief as set forth in the *Summit County Pleadings* in *In Re National Prescription Opiate Litigation* in the United States District Court for the Northern District of Ohio, MDL No. 2804 and in Plaintiff’s Existing Complaint as has been amended herein.

Dated: March 15, 2019

/s/ Robert K. Finnell

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CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of March, 2019, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF System. Copies will be served upon counsel of record by, and may be obtained through, the Court CM/ECF systems.

By: /s/ Robert K. Finnell
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